

EXHIBIT M

Ben Gonek

From: Ben Gonek
Sent: Monday, July 2, 2018 7:22 AM
To: drelkhalilali@aol.com
Subject: FW: El-Khalil

5

From: Ben Gonek
Sent: Thursday, February 1, 2018 5:21 PM
To: Fenelon, Frances <Frances.Fenelon@tenethealth.com>
Subject: RE: El-Khalil

Ms. Fenelon,

I anticipate having the lawsuit being filed on behalf of Dr. El-Khalil tomorrow or next week. I agreed to provide you with the exhibits and recording(s) supporting our contentions of wrongdoing at DMC by the below referenced providers before DMC revoked Dr. El-Khalil's privileges. In light of DMC failing to comply with the bylaws and DMC's gross violation of 31 USC 7530(h), I will not be providing you with the documents before the complaint is filed. However, as requested you will be provided with a copy of the complaint which supports the allegations in the complaint.

Some of the factual allegations will be:

- 1) Dr. Zamlut grossly overbilling Medicare/Medicaid by an excessive number of patient visits and upcoding;
- 2) Dr. Mohammad Khalil providing unnecessary medical services and unbundling of procedures for the purpose of defrauding Medicare/Medicaid;
- 3) Dr. Khalil assaulting Dr. El-Khalil and a Wayne County Circuit Court Judge issuing a Personal Protection Order against Dr. Khalil;
- 4) Dr. Usen providing unnecessary medical services and unbundling of procedures for the purpose of defrauding Medicare/Medicaid;
- 5) DMC placing Dr. Khalil and Usen on probation due to unnecessary medical treatment of patients as well as billing issues;
- 6) Dr. Tameka Taylor providing unnecessary medical services and unbundling of procedures for the purpose of defrauding Medicare/Medicaid;
- 7) Dr. Usen physically threatening physicians if they consult other podiatrists other than his group;
- 8) Dr. Khalil/Zamlut/Elder participating in unnecessary cross referrals for the purpose of defrauding Medicare;
- 9) Nichelle Lester seeking kickbacks, monetary, for providing specialists with consults from Dr. Ellison;
- 10) IPC /Team Health giving Dr. Ellison \$5000.00 disguising it as a contribution to a Holiday Celebration in exchange for consultations.

Once filed, I will serve you with a copy of the complaint. Ben

Ben M. Gonek

Law Offices of Ben M. Gonek, PLLC
500 Griswold Street, Suite 2450
Detroit, Michigan 48226
(313) 963-3377
(313) 963-9310 – fax
(313) 574-3355
ben@goneklaw.com

From: Fenelon, Frances [<mailto:Frances.Fenelon@tenethealth.com>]
Sent: Wednesday, January 31, 2018 9:05 AM
To: Ben Gonek <ben@goneklaw.com>
Subject: RE: El-Khalil

Mr. Gonek,

If I do not hear from you by the end of this week, I will assume that you do not have and, therefore, cannot provide to me the materials that you previously suggested support your client's claims.

Kind regards,

Frances C. Fenelon
Regional Counsel

Tenet Healthcare
20 Burton Hills Blvd.
Suite 200
Nashville, TN 37215
o 615-665-6073
c 615-571-9850
frances.fenelon@tenethealth.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Fenelon, Frances
Sent: Wednesday, January 24, 2018 3:16 PM
To: 'Ben Gonek'
Subject: El-Khalil

Mr. Gonek,

When we last spoke by phone, you indicated that you would provide the materials supporting the claims your client is making with respect to DMC. When can I expect to receive copies of those materials?

Kind regards,

Frances C. Fenelon
Regional Counsel

Tenet Healthcare
20 Burton Hills Blvd.
Suite 200
Nashville, TN 37215
o 615-665-6073
c 615-571-9850

frances.fenelon@tenethealth.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

Ben Gonek

From: Ben Gonek
Sent: Monday, January 22, 2018 6:16 PM
To: Fenelon, Frances
Subject: Re: IMG_1716.mov

I will not send any more communications to him. Dr ElKhalil received a call from Dr Little where Dr Little requested some information. All my further communications will go thru you. Ben

Sent from my iPhone

> On Jan 22, 2018, at 6:06 PM, Fenelon, Frances <Frances.Fenelon@tenethealth.com> wrote:

>

> Mr. Gonek,

>

> While he is acting in his role as DMC's Orthopedic Specialist in Chief or in any other medico-administrative capacity on behalf of DMC, Dr. Little is my client. Please do not communicate with him directly but proceed through me. To the extent you otherwise seek to contact him, I am including Kelly Barnes, counsel for Dr. Little's employer DMC Medical Group, in the event Mr. Barnes would like such other communications to be directed through him.

>

> Kind regards,

>

>

> Frances C. Fenelon

> Regional Counsel

>

> Tenet Healthcare

> 20 Burton Hills Blvd.

> Suite 200

> Nashville, TN 37215

> o 615-665-6073

> c 615-571-9850

> frances.fenelon@tenethealth.com

>

> This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

>

> -----Original Message-----

> From: Ben Gonek [mailto:ben@goneklaw.com]

> Sent: Monday, January 22, 2018 4:38 PM

> To: Little, Bryan

> Cc: Fenelon, Frances

> Subject: FW: IMG_1716.mov

>

> Dear Dr. Little,

>

> It is my understanding that you are chairing a committee reviewing Dr. El-Khalil's privileges at DMC. It is my further understanding that based on your conversation with Dr. El-Khalil the renewal of Dr. El-Khalil's privileges were tabled and

suspended due to a complaint(s) made by Dr. Khalil. Dr. El-Khalil has reported Dr. Khalil and his group to the Department of Justice for Medicare fraud and other illegal practices. Dr. Khalil is aware that Dr. El-Khalil has provided the federal authorities with information concerning fraudulent billing practices and performing unnecessary medical procedures at DMC as well as other hospitals. As such, I am sure that is what triggered the complaint(s) made by Dr. Khalil. I have attached a video which depicts a portion of the attack. I have also attached a copy of a personal protection order issued by a Wayne County Circuit Court Judge against Dr. Khalil. I have also attached a copy of the letter sent to Dr. Maddox.

>

> BEN M. GONEK

> Law Offices of Ben M. Gonek, Esq.

> 500 Griswold St., Suite 2450

> Detroit, MI 48226

> (313) 963-3377

> Ben@Goneklaw.com

>

>

>

>

>

>

>

Ben Gonek

From: Ben Gonek
Sent: Monday, January 22, 2018 5:38 PM
To: 'blittle@dmc.org'
Cc: 'Fenelon, Frances'
Subject: FW: IMG_1716.mov
Attachments: IMG_1716.mov; ATT00001.txt; El-Khalil Pet.pdf; Maddox Letter re El-Khalil.pdf

Dear Dr. Little,

It is my understanding that you are chairing a committee reviewing Dr. El-Khalil's privileges at DMC. It is my further understanding that based on your conversation with Dr. El-Khalil the renewal of Dr. El-Khalil's privileges were tabled and suspended due to a complaint(s) made by Dr. Khalil. Dr. El-Khalil has reported Dr. Khalil and his group to the Department of Justice for Medicare fraud and other illegal practices. Dr. Khalil is aware that Dr. El-Khalil has provided the federal authorities with information concerning fraudulent billing practices and performing unnecessary medical procedures at DMC as well as other hospitals. As such, I am sure that is what triggered the complaint(s) made by Dr. Khalil. I have attached a video which depicts a portion of the attack. I have also attached a copy of a personal protection order issued by a Wayne County Circuit Court Judge against Dr. Khalil. I have also attached a copy of the letter sent to Dr. Maddox.

BEN M. GONEK
Law Offices of Ben M. Gonek, Esq.
500 Griswold St., Suite 2450
Detroit, MI 48226
(313) 963-3377
Ben@Goneklaw.com

Ben Gonek

From: Fenelon, Frances <Frances.Fenelon@tenethealth.com>
Sent: Monday, January 22, 2018 1:12 PM
To: Ben Gonek
Subject: RE: Dr. Ali El-Khalil

Mr. Gonek,

I am not aware of any action against Dr. El-Khalil's privileges. What is it that makes him think his privileges have been suspended?

Please note that you and Dr. El-Khalil should report any and all concerns of fraud regardless of the privileging process. The concerns that you previously reported in your letter and that we discussed have been reported to Tenet Compliance and will be addressed through our investigatory and remediation processes, as applicable.

If you make a filing, I would appreciate a courtesy copy, although I must warn you that I am not authorized to accept service of process.

Kind regards,

Frances C. Fenelon
Regional Counsel

Tenet Healthcare

20 Burton Hills Blvd.
Suite 200
Nashville, TN 37215
o 615-665-6073
c 615-571-9850
frances.fenelon@tenethealth.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Ben Gonek [mailto:ben@goneklaw.com]
Sent: Monday, January 22, 2018 10:32 AM
To: Fenelon, Frances
Subject: RE: Dr. Ali El-Khalil
Importance: High

Dear Ms. Fenelon,

Today my client, Dr. El-Khalil was informed that his privileges at DMC were suspended until further investigation. It appears this was done by DMC in retaliation for his cooperation with the Federal Government concerning several DMC providers committing Medicare fraud utilizing DMC. Unless Dr. El-Khalil's privileges are restored immediately, we will be filing a Federal Court lawsuit for a violation of the retaliation provision of the False Claim Act Statute. Should you want to discuss this matter, please feel free to contact me.

Very truly yours,

Ben M. Gonek

Ben M. Gonek

Law Offices of Ben M. Gonek, PLLC

500 Griswold Street, Suite 2450

Detroit, Michigan 48226

(313) 963-3377

(313) 963-9310 – fax

(313) 574-3355

ben@goneklaw.com

From: Fenelon, Frances [<mailto:Frances.Fenelon@tenethealth.com>]

Sent: Tuesday, January 16, 2018 10:50 AM

To: Ben Gonek <ben@goneklaw.com>

Subject: Automatic reply: Dr. Ali El-Khalil

I am currently out of the office and will have limited access to email or voicemail. I will return to the office Tuesday, January 16.

Ben Gonek

From: Ben Gonek
Sent: Friday, January 12, 2018 9:35 AM
To: Fenelon, Frances
Subject: RE: Dr. Ali El-Khalil

Yes. Ben Gonek

From: Fenelon, Frances [mailto:Frances.Fenelon@tenethealth.com]
Sent: Friday, January 12, 2018 9:32 AM
To: Ben Gonek <ben@goneklaw.com>
Subject: RE: Dr. Ali El-Khalil

Does Tuesday 11am Eastern work?

From: Ben Gonek [mailto:ben@goneklaw.com]
Sent: Friday, January 12, 2018 8:24 AM
To: Fenelon, Frances
Subject: RE: Dr. Ali El-Khalil

Dear Ms. Fenelon:

I am available any day next week to discuss. Please let me know what is good for you. Ben Gonek

LAW OFFICES OF BEN M. GONEK, PLLC

500 Griswold, Suite 2450
Detroit, Michigan 48226
(313) 963-3377 (Office)
(313) 574-3355 (Cellular Phone)
Ben@goneklaw.com

From: Fenelon, Frances [mailto:Frances.Fenelon@tenethealth.com]
Sent: Wednesday, January 10, 2018 12:28 PM
To: Ben Gonek <ben@goneklaw.com>
Subject: RE: Dr. Ali El-Khalil

Thanks. Hope you feel better.

From: Ben Gonek [mailto:ben@goneklaw.com]
Sent: Wednesday, January 10, 2018 10:31 AM
To: Fenelon, Frances
Subject: Re: Dr. Ali El-Khalil

Absolutely. I am getting over Flu. I will email my availability later today or tomorrow am. Thank you. Ben Gonek.

Sent from my iPhone

On Jan 10, 2018, at 11:09 AM, Fenelon, Frances <Frances.Fenelon@tenethealth.com> wrote:

Dear Mr. Gonek,

I serve as regional counsel to DMC, an affiliate of Tenet Healthcare and was forwarded your letter dated January 8, 2018. You provide certain information for which I'm hoping I can get some clarity. Could we schedule some time this week or next to discuss?

Kind regards,

Frances C. Fenelon
Regional Counsel

Tenet Healthcare
20 Burton Hills Blvd.
Suite 200
Nashville, TN 37215
o 615-665-6073
c 615-571-9850
frances.fenelon@tenethealth.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

<Maddox Letter re El-Khalil.pdf>